

BEFORE THE DENTAL BOARD OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL J. LATTNER, D.D.S., RESPONDENT

DUBUQUE, IOWA

#17-0080

STATEMENT OF CHARGES, SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Dental Board (the Board), and Michael J. Lattner, D.D.S. (Respondent), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order (Order).

A. LEGAL AUTHORITY AND JURISDICTION

1. Respondent was issued license number 07101 to practice dentistry in the state of Iowa on July 31, 1985.
2. Respondent's Iowa dental license is current and will expire on August 31, 2018.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 153 and 272C.

B. STATEMENT OF CHARGES

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged under Iowa Code section 153.34(4) and 650 IAC 30.4(44) with delegating tasks to a dental assistant that are prohibited by Iowa Code section 153.38 and 650 IAC 20.4(2)"e".

STATEMENT OF MATTERS ASSERTED

5. Dental assistants are prohibited from performing the removal of any plaque, stain, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish, and prohibited from performing the removal of any calculus pursuant to 650 IAC 20.4(2)"e".
6. For years, Respondent allowed a dental assistant to use an ultrasonic scaler to remove plaque.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

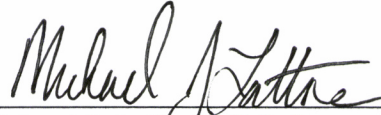
THEREFORE IT IS HEREBY ORDERED:

7. Respondent is hereby **CITED** for delegating duties to a dental assistant which are not allowed by Iowa law and **WARNED** that future violations may result in further disciplinary action.
8. Respondent agrees not to allow dental assistants to use ultrasonic scalers to remove plaque and not to allow dental assistants to perform any other tasks prohibited by law.

9. Respondent agrees to submit a civil penalty in the amount of twenty five hundred dollars (\$2,500.00) to the Board within sixty (60) days of the date of this Order made payable to Treasurer, State of Iowa.
10. Respondent shall successfully complete the dental jurisprudence examination within sixty (60) days of the date of this Order.
11. This Order constitutes the resolution of a contested case proceeding.
12. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Order.
13. Respondent understands that by entering into this Order, he cannot obtain a copy of the investigative file. Under Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.
14. This Order is voluntarily submitted by Respondent to the Board for consideration.
15. Respondent acknowledges that he has the right to be represented by counsel in this matter.
16. This Order becomes public record available for inspection and copying upon execution by the Board, in accordance with the requirements of Iowa Code Chapters 22 and 272C.
17. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.
18. Respondent acknowledges that no member of the Board, nor any employee, nor attorney for the Board, has coerced, intimidated, or pressured him, in any way

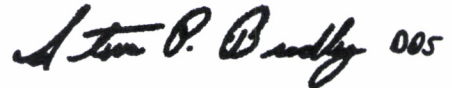
whatsoever, to execute this Order.

19. This Order is subject to approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.
20. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Michael J. Lattner, D.D.S.
Respondent

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on September 28th, 2018.



STEVEN P. BRADLEY, D.D.S.
Chairperson
Iowa Dental Board
400 SW 8th Street, Suite D
Des Moines, IA 50309-4867

100 John D. Smith